more than two years old, 61 cases more than three years old, 42 cases more than four years old and 40 cases more than five years old.

Recruitment to the judiciary should be based on efficiency and not guided by communal considerations ; and all new appointments should be made only on probation. Several inefficient men had already got into the judiciary ; but there was not only no recognition of special merit, but discontent was caused in the ranks of able Munsiffs by the appointment of Sirkar Vakils and others as judges. This had invariably led to loss of efficiency. Merit should be encouraged by special scale, honorarium or promotion and those who were incapable should be punished or eliminated. If the orders of the High Court commanded as much respect in the subordinates of the Judicial Department as in the past, the arrears of old cases would not have increased so alarmingly as they have done. Nor would the Members of the Assembly have been obliged to make representations annually on the difficulties experienced by litigants. It should be possible to appoint to the High Court Bench persons who could remain there for three years instead of promoting those who would have to retire on pension in a year or two and who would have therefore no incentive to reform the working of the lower courts. The present inspections by High Court Judges served no useful purpose. A questionnaire should be framed detailing all the aspects to which the inspection should be directed ; surprise visits should be made ; and clients and vakils might be interrogated in order to elicit information about their hardships. The Government also should keep a watchful eye on the department, and a paragraph in the Dewan's opening address should be devoted to it.

DEWAN'S REPLY : Mr. Kochukrishna Pillai, the question of delays in the disposal of suits will be examined by the Laws Delays Committee as you have yourself said.

2. The difficulties experienced by individual litigants or witnesses in courts are matters which must be left to the discretion of the presiding officers concerned. A considerate Magistrate or Judge will make matters easy for the witnesses. It is also a matter in which the vakils concerned are largely responsible.

3. As for the defects in the system of recruitment, the Government realise that the recruitment to the service—not merely to the Judiciary, but all the services—is a matter which requires earnest consideration and as such it will have to be taken up sooner or later.

4. As for the prestige of the High Court and the condition of the Judicial Department, what you said was very interesting and will be noted.

5. As regards the High Court Judges' inspection, I will have your remarks conveyed to the High Court.

32. Judicial Administration.

MR. A. S. SANKARANARAYANA PILLAI (*Member, Municipal Council, Neyyattinkara*) began by observing that, though the High Court was the head of the Judicial Department, the Government were not devoid of all responsibility and should interfere except in respect of purely judicial acts. The Government were not bound to accept all recommendations of the High Court; but it was no exaggeration to say that the High Court did not command adequate respect with the Government and the officers of other departments. The Dewan's opening address contained no reference at all to the Judicial Department.

Most of the courts had no buildings of their own and were located in portions of taluk offices, etc. The Government who spent lavishly on kitchens in European officers' quarters and on P. W. D. camp-sheds were reluctant to spend money on buildings for courts. The Trivandrum District Court and the Munsiffs' courts were housed in old, dilapidated and unsuitable buildings. The work of the courts would be facilitated and their dignity enhanced by proper accommodation. The Dewan who had recently inspected the Trivandrum District Court would, the Member hoped, provide a decent building for it.

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Annually, about Rs. 4 lakhs were deposited from the Judicial Department in the State sub-treasuries. These judicial deposits bore no interest and the Government were utilising it for current expenditure and deriving other advantages therefrom. Equity demanded that interest should be allowed on these deposits. A cheque for the refund of certain money from the Neyyattinkara sub-treasury was dishonored on the ground that the requisition to pay was not in the form of an application. The Government who ordered the immediate disbursement of the money had not taken any action against the sub-treasury officer concerned though they had promised to do so.

The sites of court-houses and the trees standing thereon should be placed under the control of the courts. No action was taken by the Government against those responsible for the collection of green-leaf manure from the trees in the Neyyattinkara cutcherry compound on the pretext of a *Kuthakapattam* lease.

The judicial administration of the State was unsatisfactory and matters were getting worse during the last few years. The High Court was not responsible to anybody and was above criticism. The subordinate courts did not respect the High Court, nor did the people. There were no conscientious and independent officers. Each Munsiff and Judge had a patron in one or other of the High Court Judges and could do anything with impunity. There was no uniformity in High Court decisions. The High Court had never in the past fallen to such a low level. People had lost all respect for the High Court. Eminent judges remarkable for their honesty, character, courage and independence adorned the High Court Bench in the old days. No judge should be appointed on the ground of mere seniority. All sorts of rumours were current about the action of the High Court refusing to grant bail to the accused in the Jenmabhumi case. There were many irregularities in the disposal of cases. The courts wielded an incalculable influence on the lives, properties and destinies of the people. Courts existed for the people and not for the sake of the officers. The circular which required that a minimum of 40 cases should be disposed of in a month led to oppression. There was no uniform policy in the matter of recruitment and promotion. Appointments to Munsiffs' and Judges' places should not be made from briefless vakils or inefficient officers. Temporary Munsiffs recruited from such classes caused untold hardship in the disposal of old and contested cases transferred to their files from the principal courts. Able men who disposed of old and contested cases should be preferred; industry, efficiency and honesty were not now given adequate encouragement. Discontent was generated by appointing vakils as judges overlooking the claims of deserving Munsiffs. A change in the policy of recruitment would inevitably lead to the early clearing of arrears and prevent their accumulation in the future.

DEWAN'S REPLY: Mr. Sankaranarayana Pillai, in so far you have dealt with the subject of delays in the disposal of suits and your general remarks about courts, the answer I gave to the last speaker covers your representation. I do not propose to convert the law courts into Savings Banks to allow interest on deposits. For the rest, your remarks have been listened to.

33. Judicial Administration.

MR. K. M. GOPALAN NAIR (*Member, Municipal Council, Trivandrum*) considered that the present system of administration of civil and criminal justice required overhauling. Corruption amongst the clerks and process-servers of the courts was increasing. Under Rules 159 and 167 of the *Civil Courts' Guide*, the parties had to deal constantly with the clerks and tipping was widely prevalent. The low pay of the subordinates and the want of frequent inspection and vigilant control by the superior officers were responsible for this. The delays in framing issues, recording evidence and disposing of suits should form the subject of careful examination by the Laws Delays Committee. The Committee should also fix the period within which judgment should be delivered after the final hearing of the case. No adequate provision existed to expedite the execution of warrants of arrest on judgment-debtors absconding while under *mosul*. There were instances in

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